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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 THOMAS GREGORY PAUL,

7 Plaintiff,

8 v.

9 RENO POLICE DEPARTMENT, et. al.,

10 Defendants.
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Case No. 3:18-cv-00049-MMD-WGC

ORDER

12 Plaintiff Thomas Gregory Paul, who is an inmate at the Washoe County Detention Facility,
13 filed his civil rights complaint pursuant to 42 U.S.C. § 1983 on January 29, 2018. (ECF No. 1-1.)

14 The Local Rules of Practice for the District of Nevada provide: "Any person who is unable
15 to prepay the fees in a civil case may apply to the court for authority to proceed [IFP]. The
16 application must be made on the form provided by the court and must include a financial affidavit
17 disclosing the applicant's income, assets, expenses, and liabilities." LSR 1-1. When a prisoner
18 seeks to proceed without prepaying the filing fee:

19 [I]n addition to filing the affidavit filed [as described above], [the prisoner] shall
20 submit a certified copy of the trust fund account statement (or institutional
21 equivalent) for the prisoner for the 6-month period immediately preceding the filing
of the complaint or notice of appeal, obtained from the appropriate official of each
prison at which the prisoner is or was confined.

22 28 U.S.C. § 1915(a)(2). Notwithstanding the foregoing:

23 (1) ... [I]f a prisoner brings a civil action...[IFP], the prisoner shall be required to
24 pay the full amount of a filing fee. The court shall assess and, when funds exist,
collect, as a partial payment of any court fees required by law, an initial partial
filing fee of 20 percent of the greater of --

25 (A) the average monthly deposits to the prisoner's account; or

26 (B) the average monthly balance in the prisoner's account for the 6-month period
immediately preceding the filing of the complaint or notice of appeal.

27 (2) After payment of the initial partial filing fee, the prisoner shall be required to
28 make monthly payments of 20 percent of the preceding month's income credited to
the prisoner's account. The agency having custody of the prisoner shall forward

1 payments from the prisoner's account to the clerk of the court each time the amount
2 in the account exceeds \$10 until the filing fees are paid.

3 28 U.S.C. § 1915(b)(1), (2).

4 The regular filing fee is \$400, consisting of the \$350 filing fee and a \$50 administrative
5 fee. If an inmate does not qualify for IFP status, he must pay the full \$400 filing fee. If the inmate
6 qualifies for IFP status, the \$50 administrative fee is waived, and the inmate will only pay the \$350
7 filing fee over time.

8 The Clerk shall **SEND** Plaintiff a copy of the instructions and application to proceed IFP
9 for an inmate. Plaintiff has **THIRTY DAYS** from the date of this Order to either file his
10 completed IFP application or pay the \$400 filing fee.

11 Once Plaintiff has filed his completed IFP application or paid the filing fee, the court will
12 screen the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), or 28 U.S.C. § 1915A, or both. 28
13 U.S.C. § 1915(e)(2)(B) applies to a plaintiff proceeding IFP, and 28 U.S.C. § 1915A applies to
14 complaints filed by prisoners who seek redress from a governmental entity or officer or
15 employee of a governmental entity. Both require dismissal of a complaint, or any portion thereof,
16 that is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks
17 monetary relief against a defendant immune from such relief.

18 **IT IS SO ORDERED.**

19 DATED: January 31, 2018

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21 WILLIAM G. COBB
22 UNITED STATES MAGISTRATE JUDGE
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